

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEVEN McDERMOTT,
STACEY MCDERMOTT
Plaintiffs,

vs.

FED EX GROUND PACKAGE
SYSTEMS, INC.,
Defendant

and

T.S. PRUITT,
Defendant.

Civil Action No.: 04-CV-12253

**FEDEX GROUND PACKAGE SYSTEMS, INC.'S AND T.S. PRUITT'S
MOTION TO COMPEL THE PLAINTIFFS' DISCOVERY RESPONSES**

Defendants FedEx Ground Package Systems, Inc. ("Fedex") and T.S. Pruitt ("Pruitt") ("Defendants"), pursuant to Fed. R. Civ. P. 37 and Local Rule 37.1, hereby move for an Order of this Honorable Court compelling Steven McDermott and Stacy McDermott ("Plaintiffs") to respond to the Defendants' discovery requests within seven (7) days of the entry of the order. In addition, Defendants move for an Order compelling the Plaintiffs to sign and execute various releases and authorizations.

In support thereof, Defendants state that the interrogatories and requests for production were properly served on Plaintiffs pursuant to Fed. R. Civ. P. 33 and 34. On April 27, 2006, Defendant FedEx served their first Request for Production of Documents to Stacey McDermott. Attached hereto as *Exhibit A* is a true and accurate copy of the document requests. On July 13, 2006, Defendant FedEx served their second Request for Production of Documents to Steven McDermott. Attached hereto as *Exhibit B* is a true and accurate copy of the document requests.

On October 4, 2006, Defendant T.S. Pruitt served his first set of interrogatories to Steven McDermott. Attached hereto as *Exhibit C* is a true and accurate copy of the interrogatories. The required time period to respond to the document requests has expired and FedEx has not received the responses or any objections. FedEx continually provided the Plaintiffs with extensions of time in which to respond, and FedEx did not receive the responses or any objections. Attached hereto as *Exhibit D* is a letter from FedEx's counsel to Stacey McDermott's counsel dated August 30, 2006 providing one such extension until September 30, 2006. In addition, Defendants have requested that Plaintiffs sign and execute various releases and HIPAA authorizations relating to obtaining the plaintiffs' medical records. Defendants have not received said releases. Attached hereto as *Exhibit E* is a true and accurate copy of the releases.

Furthermore, the defendants have scheduled the deposition of plaintiff Stacey McDermott for this Friday, November 10, 2006, and are in need of her discovery responses prior to deposing her. To this date, no responses have been received.

WHEREFORE, FedEx Ground Package Systems, Inc. and T.S. Pruitt move this Honorable Court for an Order allowing their motion and for the Plaintiffs to provide full and complete responses to the discovery requests and releases noted above within 7 days of the Court's Order.

LOCAL RULE 7.1(A)(2) CERTIFICATION

The parties have conferred upon this Motion in accordance with Local Rule 7.1(A)(2) and have attempted in good faith to resolve the issues. Please refer to the undersigned's correspondence to Attorney Mahaney, dated August 30, 2006, attached here to as Exhibit A. In addition, the parties have conferred by telephone on several occasions, including our most recent

conference on Friday, November 3, 2006 at 4:30 p.m. Unfortunately, the parties have not been able to resolve these issues.

FED. R. CIV. P. 37(A)(2)(b) AND LOCAL RULE 37 CERTIFICATION

I certify that the provisions of Fed. R. Civ. P. 37(a)(2)(B) and Local Rule 37.1 have been complied with.

FEDEX GROUND PACKAGE SYSTEMS, INC.
And T.S. Pruitt
By Their Attorneys,
CAMPBELL CAMPBELL EDWARDS &
CONROY PROFESSIONAL CORPORATION

/s/ Adam A. Larson

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CERTIFICATE OF SERVICE

I, Adam A. Larson, certify that on November 8, 2006 a true copy of the above was sent electronically and by first class mail to:

Joseph M. Mahaney, Esq.
Goguen, McLaughlin, Richards & Mahaney, P.C.
The Harrier Beecher Stowe House
2 Pleasant Street
South Natick, MA 01760

/s/ Adam A. Larson

Adam A. Larson